

D.B.CIVIL SPECIAL APPEAL (W) NO. 226/2007
Jeewan Lal v. Civil Judge (Jr.Dn.) & Judl.Magistrate, Deedwana & anr.

Date of order : 12.04.2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE GOVIND MATHUR

Shri R.K.Charan for the appellant

This special appeal is directed against the order of the learned Single Judge dismissing the writ petition of the appellant. The appellant had filed the writ petition challenging the order of the trial court by which evidence of the appellant was closed on 19.10.2006.

The appellant is tenant defendant in the eviction suit. From the order of the trial court it appears that several opportunities were given to examine witnesses which the appellant failed to avail of. The case of the appellant is that he was not in position to depose on the particular day because he was suffering from facial paralysis. The order states that no proof of illness was produced in the trial court. Our attention was drawn to Annexure 4. Annexure 4 is copy of the prescription showing that the appellant was advised certain medicines on 19/20.7.2006. The case was closed three months later. There is nothing to suggest that appellant remained ill and was not in position to depose or examine witnesses. We find no error in the order of the Single Judge declining to interfere in the matter.

The appeal stands dismissed.

mathur/

(GOVIND MATHUR) J.

(S.N.JHA), C.J